

REMARKS

Claims 1-29, 31-34, 36-40 and 42-49 are pending in the present application. Claims 30 and 50 are hereby canceled. Claims 1-18, 21, 25, 26, 28, 29, 31-34, 36, 42, 48, and 49 have been amended. Claims 1, 15, 17, 18, 21, 28, and 31 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the above amendments and the following remarks.

Rejection Under 35 U.S.C. § 112

Claim 50 stands rejected under 35 U.S.C. § 112, 1st Paragraph, as being indefinite. Particularly, the Examiner asserts that, as understood by the Examiner, claim 50 requires the images to be deleted automatically after being transmitted to the external apparatus. The Examiner further asserts that the written description does not support such a limitation.

Without admitting the validity of this rejection, Applicants have canceled claim 50 in an effort to expedite prosecution, thereby rendering this rejection moot.

Rejection Under 35 U.S.C. § 102

Fredlund

Claims 1, 2, and 4-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,666,215 to Fredlund et al. (hereafter “Fredlund”). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

In the Amendment filed January 22, 2007 (hereafter “the previous Amendment”), Applicants previously argued that independent claim 1 is allowable because, *inter alia*, Fredlund fails to teach or suggest receiving a plurality of images, which are automatically transmitted from the plurality of cameras. In response, the Examiner asserts, “The applicant has not positively claimed a plurality of digital cameras, but only claiming ‘... receiving unit operable to receive a plurality of images... .’” (Office Action at page 18, section 56; original emphasis shown). The

Examiner further asserts that both Fredlund clearly discloses a photofinisher that is operable to receive a plurality of images (*id.*).

Without conceding the validity of the Examiner's arguments, Applicants have amended independent claim 1 as a system claim, which positively recites as an element, "one or more digital cameras for capturing a plurality of images." Amended claim 1 also recites, "wherein the one or more digital cameras are configured to automatically determine when an image transmitting condition is met, and to automatically transmit the plurality of digital images to the delivery-medium producing apparatus in response to the determination." In addition, claim 1 has been amended to recite that the receiving unit is "configured to" receive the plurality of images from the one or more digital cameras.

For reasons discussed in the previous Amendment (see pages 14-15, such remarks being incorporated herein by reference), Fredlund does not teach or suggest one or more digital cameras that automatically transmit a plurality of images to a delivery-medium producing apparatus. Instead, Fredlund teaches that a customer sends a negative film to a photofinisher (col. 2, lines 28-31).

Thus, Applicants respectfully submit that claim 1 is allowable over Fredlund at least for the reasons set forth above. Further, Applicants respectfully submit that claims 2 and 4-14 are allowable at least by virtue of their dependency on claim 1. Thus, reconsideration and withdrawal of this rejection is respectfully requested.

Enomoto

Claims 15-17 stand rejected under § 102(b) as being anticipated by Japanese Patent Publication 10078918 A to Enomoto et al. (hereafter "Enomoto"), upon which U.S. Patent No. 5,974,401 claims priority (the Examiner's rejection refers to sections of Enomoto's U.S. patent since an English translation of the JP publication has not yet been obtained).

In the Response to Arguments, the Examiner asserts the same arguments against claim 15 as those asserted against claim 1 (see Office Action at page 18, section 56). In view of this, Applicants have made similar amendments to claim 15 as those made to claim 1. Particularly, claim 15 has also been amended as a system claim, which recites, “one or more digital cameras for capturing a plurality of images” and “wherein the one or more digital cameras are configured to automatically determine when an image transmitting condition is met, and to automatically transmit the plurality of digital images to the delivery-medium producing apparatus in response to the determination.” Thus, Applicants submit that independent claim 15 is allowable at least for reasons similar to those set forth above in connection with claim 1. Further, claims 16 and 17 are allowable at least by virtue of their dependency on claim 15. Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Allen

Claims 18-22, 25, 26¹, 27, and 37-40 stand rejected under § 102(b) as being anticipated by U.S. Patent No. 5,737,491 to Allen et al. (hereafter “Allen”). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

In the previous Amendment, Applicants argued that claims 18 and 21 were allowable because the references applied by the Examiner do not teach or suggest automatically transmitting images from a camera to an external apparatus (see pages 18-19). However, in the current rejection of claim 21, the Examiner asserts the following:

“Allen also discloses a digital camera that receives a voice command from a user and then automatically searches a codebook to match the voice command. Once the command has been matched, the camera would then perform the function [i.e., transmission of images] automatically based on what is already programmed in the codebook” (Office Action at page 8, section 23).

¹ Applicants respectfully point out that the Examiner’s rejection of claim 26 is based on a proposed modification of Allen to incorporate teachings that are allegedly well-known in the art. As such, § 102 is an improper basis for this rejection. Such rejections, which are based on a combination of teachings, are only valid under § 103.

Thus, the Examiner takes the position that Allen teaches the automatic transmission of images, even though the user must manually enter a voice command to cause the camera to transmit the images. Applicants respectfully, but strongly, disagree with this position taken by the Examiner.

However, in an effort to expedite prosecution, Applicants have amended independent claims 18 and 21 to further clarify that the claimed digital camera includes a module/controller, which automatically determines when an image transmitting condition is met, and to make the digital camera automatically transmit the plurality of images in response to the determination. The Examiner admits that Allen's invention requires the user to determine when to transmit images are to be transmitted from the camera and to instruct the camera accordingly (see Office Action at page 7, section 22 – page 8, section 23). As such, even under the Examiner's broad interpretation, Allen fails to teach or suggest each and every claimed feature recited in claims 18 and 21.

At least for the reasons set forth above, Applicants respectfully submit that independent claims 18 and 21 are allowable. Further, Applicants submit that claims 19, 20, 22, 25-27, and 37-40 are allowable at least by virtue of their dependency on claims 18 and 21. Thus, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Rejection Under 35 U.S.C. § 103

Fredlund/Allen

Claims 28-30, 36, and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fredlund in view of Allen. Claim 30 has been canceled above. As to the other claims, this rejection is respectfully traversed.

Initially, Applicants respectfully disagree with the Examiner's position that Allen teaches automatically transmitting images from a digital camera despite that fact that Allen's camera requires a user to manually enter a voice command to transmit the images. However, similar to

claims 18 and 21, Applicants have made further clarifying amendments to independent claim 28 in an effort to expedite prosecution.

Particularly, claim 28 has been amended to recite, “using each of a plurality of digital cameras to automatically determine when respective image transmitting conditions are met,” and “in response to the determination, using each of the plurality of digital cameras to automatically transmit one or more images as digital data to a remote delivery-medium producing site.” Applicants submit there is no teaching or suggestion of these claim features in Fredlund and Allen, either taken separately or in combination.

As discussed above in connection with claim 1, Fredlund teaches that a customer manually brings the negative film to a photofinishing lab. Accordingly, Fredlund does not teach or suggest a camera, which automatically transmits images as digital data to a remote site. In fact, the Examiner concedes this point in the Office Action, page 11, section 38, 2nd paragraph.

Further, as discussed above in connection with claims 18 and 21, Allen requires a user to enter a voice command to cause the camera to transmit images to an external apparatus. Thus, in Allen, it is up to the user to determine when it is time for the images to be transmitted. In view of this, Allen does not teach using a camera to automatically determine when an image transmitting condition is met and, in response to this determination, automatically transmit an image, as claimed.

In view of the foregoing, Applicants respectfully submit that Fredlund and Allen fail to teach or suggest each and every claimed feature. At least for this reason, Applicants respectfully submit that independent claim 28 is allowable, and claims 29, 30, 36, and 42 are allowable at least by virtue of their dependency on claim 28. Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Fredlund/Allen/Enomoto

Claims 31-34 stand rejected under § 103(a) as being unpatentable over Fredlund and Allen, and further in view of Enomoto. This rejection is respectfully traversed.

Although Applicants do not agree with the Examiner's rationale in rejecting these claims, independent claim 31 has been amended similar to claim 28. As such, claim 31 now recites, "using each of a plurality of digital cameras to automatically determine when respective image transmitting conditions are met," and "in response to the determination, using each of the plurality of digital cameras to automatically transmit one or more images as digital data to a remote delivery-medium producing site." These amended features even more clearly distinguish over Fredlund and Allen, as discussed above in connection with claim 28.

Further, Applicants respectfully submit that Enomoto fails to remedy the deficiencies of Fredlund and Allen. In fact, the Examiner only relies on Enomoto to teach "a payment service in which the customer chooses their mode of payment in the details of the charge" (Office Action at page 17, 2nd paragraph). This alleged teaching of Enomoto is not related to the aforementioned features recited in claim 31. Accordingly, Applicants submit that the Examiner's proposed combination of Fredlund, Allen, and Enomoto fail to teach or suggest every claimed feature of claim 31.

At least for the reasons set forth above, Applicants respectfully submit that claim 31 is allowable. Accordingly, Applicants submit that claims 32-34 are allowable at least by virtue of their dependency on claim 31. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Komatsu Fails to Remedy the Deficiencies of Fredlund, Allen, and Enomoto

Claims 3 and 48 stand rejected under § 103(a) as being unpatentable over Fredlund in view of U.S. Patent No. 4,817,050 to Komatsu et al. (hereafter "Komatsu"). Further, claims 23, 24, 46, and 47 stand rejected under § 103(a) as being unpatentable over Allen in view of Komatsu. Further, claims 44 and 45 stand rejected under § 103(a) as being unpatentable over Enomoto in view of Komatsu. Further, claim 48 stands rejected under § 103(a) as being unpatentable over Fredlund and Allen, and further in view of Komatsu. Further, claim 49 stands

rejected under § 103(a) as being unpatentable over Fredlund, Allen, and Enomoto, and further in view of Komatsu.

Applicants respectfully submit that Komatsu does not remedy the deficiencies of Fredlund, Allen, and Enomoto set forth above in connection with the various independent claims from which claims 3, 23, 24, 44-46, 48, and 49 depend. Specifically, Komatsu is only relied upon to teach “a database system that contains a counter that transfers data from one filing system to another after a predetermined period of time lapses” (Office Action at pp. 10 and 14-18).

Conclusion

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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